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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,973	07/12/2001	Joseph A. Schrader	164052.02	9505
22971 7590 07/22/2009 MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052-6399				
EXAMINER PARRY, CHRISTOPHER L				
ART UNIT 2421		PAPER NUMBER		
NOTIFICATION DATE 07/22/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/903,973

Applicant(s)

SCHRADER ET AL.

Examiner

CHRIS PARRY

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9, 11-13, 16-18 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9, 11-13, 16-18 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 7-13, filed 4 May 2009, with respect to the rejection(s) of claim(s) 7 and 16 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Knudson in view of Stimmel. Knudson discloses a program guide system in which an interactive television program guide that is implemented at least partially on user television equipment receives program listings data and real-time data such as sports scores.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. "Knudson" (USPN 6,536,041 B1) [cited by applicant on 05/04/09] in view of Stimmel et al. "Stimmel" (USPN 6,421,358 B1).

Regarding Claim 7, Knudson discloses a method for presenting enhanced broadcast television programming (figure 1; Col. 5, line 53 to Col. 6, line 25) comprising the steps of:

receiving a schedule for a plurality of broadcast television listings (i.e., main facility 22 provides program listings to television distribution facility 26 which distributes program listings to user equipment 48), each of the plurality of television listings including a unique event identifier (i.e., main facility 22 comprises a first key generator 156 which associates a generated unique key with each program listing; see figs. 9-10) (Col. 5, lines 28-41; Col. 6, lines 11-18; & Col. 11, line 54 to Col. 12, line 20);

receiving enhanced data (i.e., real-time data feeds from real-time data sources 30) including an event identifier associating the data with one of the plurality of television listings (i.e., real-time data sources 30 comprises a second key generator 156 which creates a unique key for the real-time data associated with a live event that will match the unique key for the same live event created by main facility 22; see figs. 9-10), wherein the data corresponds to broadcast television programming currently available to a viewer (Col. 5, line 53 to Col. 6, line 30 & Col. 11, line 54 to Col. 12, line 37);

presenting a visual cue (i.e., television icon 187 displayed within controllable ticker 186; see fig 13) to the viewer based on the data on a video display (58 – fig. 1) (i.e., when a user requests display of the controllable ticker 186, television icon 187 is displayed based on data received from real-time data sources 30), wherein the visual cue [187] comprises an active status indicator indicating a status of one or more currently available broadcast television programs (i.e., if icon 187 is present in ticker 186, the program is in active status), wherein the status indicates in real-time whether the one or more currently available broadcast television programs is currently active or

inactive (i.e., icon 187 indicates to the user whether the sporting event is available to be viewed by the user) (figure 13; Col. 13, line 49 to Col. 14, line 27);

receiving a viewer selection of the visual cue (i.e., the viewer can select icon 187 using remote control 60; Col. 7, lines 48-63); and tuning to a channel associated with the event identifier in response to viewer selection of the visual cue (i.e., in response to selection of icon 187, set-top box 52 tunes to the requested channel associated with the event and displays the tuned channel on television 58) (figure 13; Col. 14, lines 14-27).

Knudson suggests the usage of one or more real-time data sources (Col. 5, lines 53-62), however, it is silent with respect to "real-time data" including Internet Protocol data. In an analogous art pertaining to interactive video distribution, Stimmel discloses live event data feed 34 provides Internet Protocol (IP) live data regarding event objects of the event (Col. 3, lines 13-24 and lines 37-48). Accordingly, it would have been obvious to one having ordinary skill in the art to modify the real-time data sources [30] to include the "Internet Protocol data" of Stimmel in order to provide live event data to the audience to facilitate enhancing the broadcast experience (Stimmel: Col. 1, lines 15-53).

As for Claim 8, Knudson and Stimmel disclose, in particular Knudson teaches wherein the video display [58] is a conventional television receiver (Col. 7, lines 48-63).

As for Claim 9, Knudson and Stimmel disclose wherein the Internet protocol data comprises a portion of the available television programming (Stimmel: Col. 3, lines 13-48).

As for Claim 11, Knudson and Stimmel disclose wherein the Internet protocol data portion is filtered to correspond to currently available sports television programming (Knudson: fig. 6; Col. 10, line 43 to Col. 11, line 6 & Col. 11, lines 18-39).

As for Claim 12, Knudson and Stimmel disclose wherein the Internet protocol data portion is filtered to correspond to other sports television programming currently in progress (Knudson: fig. 6; Col. 10, line 43 to Col. 11, line 6 & Col. 11, lines 18-39).

As for Claim 13, Knudson and Stimmel disclose wherein the portion corresponding to the available television programming is the same as the event identifier corresponding to the IP data (Knudson: Col. 11, line 44 to Col. 12, line 56).

4. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson in view of Stimmel and further in view of Marler et al. "Marler" (USPN 7,559,073 B2).

Regarding Claim 16, Knudson discloses a client system (48 – fig. 1) for receiving a broadcast television navigation service (Col. 5, line 53 to Col. 6, line 25) comprising:

means for receiving broadcast television programming (i.e., a tuner internal to STB 52 – fig. 1; Col. 5, lines 28-41; Col. 6, lines 11-18; & Col. 7, lines 1-27);

means for receiving data (i.e., real-time data feeds from real-time data sources 30), wherein the data corresponds to broadcast television programming currently available to a viewer (Col. 5, line 53 to Col. 6, line 30);

means for linking the broadcast television programming with the Internet protocol data (i.e., the program guide in STB 52 associates program listings of broadcast television programming with received real-time data by matching unique keys that were generated for each set of data) (figs. 9-10; Col. 11, line 44 to Col. 12, line 49);

means for presenting a visual cue (i.e., television icon 187 displayed within controllable ticker 186; see fig 13) to a viewer based on the data on a display (58 – fig. 1) (i.e., when a user requests display of the controllable ticker 186, television icon 187 is displayed based on data received from real-time data sources 30), wherein the visual cue [187] comprises an active status indicator indicating a status of one or more currently available broadcast television programs (i.e., if icon 187 is present in ticker 186, the program is in active status), wherein the status indicates in real-time whether the one or more currently available broadcast television programs is currently active or inactive (i.e., icon 187 indicates to the user whether the sporting event is available to be viewed by the viewer) (figure 13; Col. 13, line 49 to Col. 14, line 27);

means for receiving a viewer selection of the visual cue (i.e., the viewer can select icon 187, using remote control 60, such that the command is received by STB 52; Col. 7, lines 48-63 & Col. 8, lines 20-38); and means for tuning to a channel associated with the IP data in response to viewer selection of the visual cue (i.e., in response to

selection of icon 187, set-top box 52 tunes to the requested channel associated with the event and displays the tuned channel on television 58) (figure 13; Col. 14, lines 14-27).

Knudson suggests the usage of one or more real-time data sources (Col. 5, lines 53-62), however, it is silent with respect to "real-time data" including Internet Protocol data. In an analogous art pertaining to interactive video distribution, Stimmel discloses live event data feed 34 provides Internet Protocol (IP) live data regarding event objects of the event (Col. 3, lines 13-24 and lines 37-48). Accordingly, it would have been obvious to one having ordinary skill in the art to modify the real-time data sources [30] to include the "Internet Protocol data" of Stimmel in order to provide live event data to the audience to facilitate enhancing the broadcast experience (Stimmel: Col. 1, lines 15-53).

The combination of Knudson and Stimmel are silent on disclosing means for receiving Internet Protocol (IP) data that is not provided in a program band of the broadcast television program, wherein the IP data corresponds to broadcast television programming currently available to a viewer.

In an analogous art, Marler teaches a client system (116 – fig. 2) comprising means for receiving broadcast television programming (114 – fig. 2; Col. 5, lines 3-6); means for means for receiving Internet Protocol (IP) data (116 – fig. 2) that is not provided in a program band of the broadcast television program (i.e., IP multicast enhancement data associated with multiple broadcast channels is transmitted separately from the broadcast channels on a secondary link 20), wherein the IP data corresponds to broadcast television programming currently available to a viewer (Col. 5, lines 3-21; Col. 3, line 63 to Col. 4, line 16; & Col. 2, lines 48-62); and means for linking

(SA process 136 – fig. 2) the broadcast television programming with the Internet protocol data (Col. 5, lines 3-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson and Stimmel to include means for receiving Internet Protocol (IP) data that is not provided in a program band of the broadcast television program, wherein the IP data corresponds to broadcast television programming currently available to a viewer as taught by Marler for the benefit of providing greater flexibility and to alleviate bandwidth concerns by transmitting the Internet Protocol data separately from the broadcast television programming (Marler: Col. 3, line 63 to Col. 4, line 1).

As for Claim 17, Knudson, Stimmel, and Marler disclose, in particular Marler teaches wherein said means for receiving broadcast television programming and means for receiving Internet protocol data comprises multiple digital tuners (i.e., receiver circuit 114 and transceiver 116) (fig. 2; Col. 5, lines 3-12).

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson in view of Stimmel and further in view of Marler as applied to claim 16 above, and further in view of Carpenter et al. "Carpenter" (US 2008/0282294 A1).

As for Claim 18, Knudson, Stimmel and Marler disclose, in particular Knudson teaches the user of a videocassette recorder 54 to record programs for the viewer, however is silent on disclosing a digital video recording apparatus disposed to record one or more of the received broadcast television programming.

In an analogous art, Carpenter discloses a digital video recording apparatus disposed to record one or more of the received broadcast television programming (§ 0071-0072). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Knudson, Stimmel, and Marler to include a digital video recording apparatus disposed to record one or more of the received broadcast television programming as taught by Carpenter for the benefit of providing enhanced features and applications for a set-top box based environment (Carpenter: § 0006).

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson in view of Stimmel and further in view of De Saint Marc et al. "De Saint Marc" (USPN 6,839,901 B1).

Regarding Claim 29, Knudson discloses a method for delivering enhanced broadcast television programming data (figure 1; Col. 5, line 53 to Col. 6, line 25) comprising the steps of:

receiving a schedule for a plurality of broadcast television listings (i.e., main facility 22 provides program listings to television distribution facility 26 which distributes program listings to user equipment 48), each of the plurality of television listings including a unique event identifier (i.e., main facility 22 comprises a first key generator 156 which associates a generated unique key with each program listing; see figs. 9-10) (Col. 5, lines 28-41; Col. 6, lines 11-18; & Col. 11, line 54 to Col. 12, line 20);

receiving enhanced data (i.e., real-time data feeds from real-time data sources 30) including an event identifier associating the data with one of the plurality of television listings (i.e., real-time data sources 30 comprises a second key generator 156 which creates a unique key for the real-time data associated with a live event that will match the unique key for the same live event created by main facility 22; see figs. 9-10), wherein the data corresponds to broadcast television programming currently available to a user (Col. 5, line 53 to Col. 6, line 30 & Col. 11, line 54 to Col. 12, line 37);

presenting a visual cue (i.e., television icon 187 displayed within controllable ticker 186; see fig 13) to the user based on the data on a display device (58 – fig. 1) (i.e., when a user requests display of the controllable ticker 186, television icon 187 is displayed based on data received from real-time data sources 30), wherein the visual cue comprises a real-time event data that is occurring in one or more currently available broadcast television programs (i.e., ticker 186 displays the status of the event, such as the score and time-remaining) (figure 13; Col. 13, line 49 to Col. 14, line 27);

receiving a user selection of the visual cue (i.e., the viewer can select icon 187 using remote control 60; Col. 7, lines 48-63); and tuning to a channel associated with the event identifier in response to user selection of the visual cue (i.e., in response to selection of icon 187, set-top box 52 tunes to the requested channel associated with the event and displays the tuned channel on television 58) (figure 13; Col. 14, lines 14-27).

Knudson suggests the usage of one or more real-time data sources (Col. 5, lines 53-62), however, it is silent with respect to “real-time data” including Internet Protocol data. In an analogous art pertaining to interactive video distribution, Stimmel discloses

live event data feed 34 provides Internet Protocol (IP) live data regarding event objects of the event (Col. 3, lines 13-24 and lines 37-48). Accordingly, it would have been obvious to one having ordinary skill in the art to modify the real-time data sources [30] to include the "Internet Protocol data" of Stimmel in order to provide live event data to the audience to facilitate enhancing the broadcast experience (Stimmel: Col. 1, lines 15-53).

Knudson and Stimmel are silent on disclosing wherein the visual cue comprises a real-time event alert informing the user of an action that is about to occur in one or more currently available broadcast television programs.

In an analogous art, De Saint Marc discloses wherein the visual cue (i.e., displayed icon) comprises a real-time event alert informing the user of an action that is about to occur in one or more currently available broadcast television programs (i.e., when a goal is about to occur in a match on another channel, an icon is displayed to the user, alerting the user of the event) (Col. 7, lines 6-39 & Col. 2, line 64 to Col. 3, line 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson and Stimmel to include wherein the visual cue comprises a real-time event alert informing the user of an action that is about to occur in one or more currently available broadcast television programs as taught by De Saint Marc for the benefit of providing an event message concerning a live event, the event message including information regarding the occurrence of an event on another channel, to a viewer before the event occurs facilitating allowing the user to change the channel before the event occurs (De Saint Marc: Col. 2, lines 6-37).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN MILLER can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
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